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UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In Re:  
Lionel Caron &  
Sandra Caron,

Debtor.

FIA Card Services, N.A. (f.k.a. MBNA America  
Bank, N.A.)

Plaintiff,

vs.

Lionel Caron,

Defendant.

Chapter 7  
Bankruptcy No. 08-32075 TC  
Adversary Case No. 09-03010  
MOTION TO AMEND DISMISSAL OF  
ADVERSARY PROCEEDING

DATE: 4/23/2009

TIME: 10:00 AM

CTRM: 23

Plaintiff FIA Card Services, N.A. (f.k.a. MBNA America Bank, N.A.) requests that the above-captioned adversary proceeding be dismissed pursuant to Federal Rules of Civil Procedure 41 and Federal Rules of Bankruptcy Procedure 7041 with prejudice.

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No consideration has been paid or promised by or on behalf of Debtor/ Defendant Lionel Caron in exchange for the dismissal of this adversary proceeding for account number XXXXXXXX1799.

Dated: April 8, 2009 Weinstein & Riley, P.S.

Weinstein & Riley, P.S.

/S/ Jerome A. Yelsky  
Jerome A. Yelsky, Of Counsel  
Attorneys for Plaintiff

**PROOF OF SERVICE BY MAIL**

STATE OF CALIFORNIA )  
COUNTY OF LOS ANGELES ) ss.

I am a resident and employed in the County of Los Angeles, State of California and am over the age of eighteen years and not a party to the within action. My business address is 12100 Wilshire Boulevard, Suite 1100, Los Angeles, CA 90025.

On April 8, 2009, I served the foregoing **NOTICE OF DISMISSAL OF ADVERSARY** **PROCEEDING** in this action by placing a true copy thereof, enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as follows:

Lionel Caron  
1506 Oak St  
San Mateo, CA 94402

James F Beiden  
Attorney At Law  
840 Hinckley Rd #245  
Burlingame, CA 94010

I caused such envelope with postage thereon fully prepaid to be placed in the United States mail at Los Angeles, California.

I declare under penalty of perjury under the law of the State of California, that the foregoing is true and correct.

Executed on 4/8/09, at Los Angeles, California.

/S/ Heidy Valdes  
Heidy Valdes